

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: February 7, 1990
CASE NO. **80-CET-494**

IN THE MATTER OF

ARMANDO MACHADO,

CLAIMANT,

v.

SOUTH FLORIDA EMPLOYMENT
AND TRAINING CONSORTIUM,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

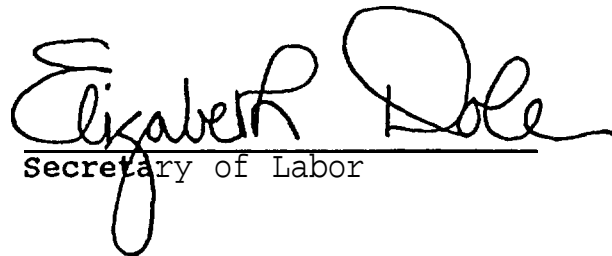
ORDER DECLINING TO ASSERT JURISDICTION

On January 18, 1990, counsel for the Claimant, Armando **Machado**, wrote to the Department's Benefits Review Board asking about the status of a "**Notice of Appeal**" filed in connection with the January 25, 1988, Decision and Order (D. and O.) of Administrative Law Judge (**ALJ**) E. Earl Thomas. The January 18 letter was forwarded to the Office of Administrative Appeals which assists me in review of administrative adjudications under the Comprehensive Employment and Training Act (CETA), 29 U.S.C. §§ 801-999 (Supp. V 1981). The letter enclosed a copy of a Notice of Appeal dated February 19, 1988, which was misdirected to the Benefits Review Board Washington, D.C., apparently pursuant to the express direction of the **ALJ** that "[a]ny party dissatisfied with this Decision and Order, may appeal it to the Benefits Review Board within 30 days of receipt of this **Order.**"

D. and O. at 4. The **ALJ's** instruction was in error. 20 C.F.R. § 676.91(f) (1989). Because it appears that Claimant's filing would have been timely if not misdirected, I have treated the letter of January 18, 1990, as a timely request for review.

This case had been remanded to the presiding **ALJ** on July 31, 1986, by then-Secretary of Labor William E. **Brock** for the express purpose of determining whether Claimant had been properly reinstated by the Respondent, South Florida Employment and Training Consortium (SFETC), a CETA grantee. The **ALJ's** decision reflects that he received testimony at a formal hearing on December 10, 1987, and determined that SFETC properly restored Claimant to an employment position comparable to the one he held prior to his wrongful discharge. The **ALJ** has based his decision on the evidence and testimony available to him at the hearing, and I find no apparent **error** warranting review of his decision. Claimant has suggested none. 20 C.F.R. § 676.91(f). Accordingly, I decline to accept this case for review. Id.^{1/}

SO ORDERED.


Secretary of Labor

Washington, D.C.

^{1/} Rights of parties to judicial review of final decisions under CETA are indicated in the regulations at 20 C.F.R. § 676.92(b) and in Section 107 of the basic CETA statute, 29 U.S.C. § 817 (repealed 1982). Administrative hearings begun before September 30, 1984, are not affected by the enactment of the successor legislation, the Job Training Partnership Act, 29 U.S.C. §§ 1501, 1591 (1982).

CERTIFICATE OF SERVICE

Case Name: In the Matter of Armando Machado v. South Florida
Employment and Training Consortium

Case No. : 80-CET-494

Document : Final Decision and Order

A copy of the above-referenced document was sent to the following
persons on FEB - 7 1990.



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